

Sullivan, Erin

From: Sullivan, Erin
Sent: Wednesday, May 25, 2022 10:41 AM
To: LEG Cmte-EAICcomment
Subject: FW: [EXTERNAL] Oppose DLI Rule Change

Erin Sullivan
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Montana Legislative Services Division
(406) 444-3594

From: Deborah Kimmet <deb@debkimmet.com>
Sent: Monday, May 23, 2022 5:03 PM
To: Kirchgasler, Brandon <BKirchgasler@mt.gov>
Cc: Sullivan, Erin <Erin.Sullivan@mt.gov>
Subject: [EXTERNAL] Oppose DLI Rule Change

Mr. Kirchgasler,

In the matter of the amendment of ARM 24.2.101, the adoption of NEW RULES I through III, and the repeal of ARM 24.2.105, 24.11.905, 24.11.906, and 24.29.201 pertaining to public participation and model rules:

I view this rule change as a housekeeping matter which does not create much change with how the DLI addresses public participation. Rather, I oppose these rule changes because they do not go far enough in allowing for public participation.

The current professional/occupational board meeting agendas for boards attached to the department have an agenda item for public participation for items *not* on the agenda. They do not, however, provide opportunity for public comment on items that actually *are* on the agenda.

Every time I attend interim committee meetings for the legislative branch, such as the Economic Affairs Interim Committee, they have opportunity to comment both for items on and not on the agenda.

Making the change to allow for public comment on both is an easy addition and adheres to the public's right to participation for items of significance to the public. Boards make plenty of decision affecting the public that go beyond rulemaking – which appears to be the only time the public does get to comment. However, that is at a meeting where no board members are present which again isolates the board from the public.

In general by cutting out the public from commenting during meetings for items that are on the agenda isolates the board from the public, gives the department too much sway in providing the board with information during its deliberations, and in general leads to bad decision making, which I've witnessed on multiple occasions.

These rule changes do not go far enough.

I've cc'd the EAIC as a public comment because they provide rule making oversight to DLI. The issue of restricting public comment only to items *not* on the agenda is an issue. And as a former board chair, I am deeply concerned about the Department crossing the line between administrative support versus influencing policy making.

Sincerely,

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Sullivan, Erin

From: donotreply@mt.gov
Sent: Monday, June 13, 2022 10:51 AM
To: LEG Cmte-EAICcomment
Subject: Public Comment for EAIC

Public Comments for Economic Affairs Interim Committee

Date: 13th June 2022 10:51

First Name:
Mike

Last Name:
Zens

Email Address:
mike@highroadedbiles.com

Subject:
MAR 42-108adp Public Comment

Comment:

I wanted to reach out with some new comments and resend my comment on the upcoming rules for the packaging approval process. ----- New Comment The uncertainty of who is liable for non-compliant packaging is something I hadn't considered but would hope it is solvable concern compared to the burden of repetitive packaging approvals. I currently produce 13 unique product packages and wholesale to 40 different retailers. My products would require 520 applications with the proposed process. There are lots of items license holders are already liable for and need to keep in file to show during an inspection. For instance, we need to keep employee DOR training certificates on file for inspectors at each licensed location. The training is something employees need to complete independently but the license holder is liable for and need sot keep on file. If they aren't, the license holder can receive a citation. This process seems pretty similar to how a packaging approval certificate could be managed. I'm curious, how does the lability differ for keeping certificates on file like employee vs packaging approval? It seems like the same process could be used for packaging but maybe I'm missing something. I'd love to find a solution to the issue of repetitive approvals. Please reach out if you'd like to continue the discussion. I've included my contact information below. ----- Previous Comment I'm responsible for the business development and wholesale of High Road Edibles for Dancing Goat Gardens. We are currently wholesaling around the state with 40 different dispensary partners and over 51 locations. With the some of largest wholesale distribution around the state, I felt it was important for me to comment on the negative effects the proposed ruling will have on the wholesale operations I'm responsible for running. I'm most worried about the extra burden and cost the state will need to bear from this decision. I suspect DOR employees will be overwhelmed with repetitive packaging applications that take additional time and effort to process for a small fee. There will be at least a 30 day delay in any new wholesale dispensary account due to the packaging application process. This delay will reduce our ability to wholesale and have retailers sell our products which could drastically decrease tax revenue generated. If the current rules would be applied now, there would be 520 package approval applications submitted for my edible products alone. There would be no differences in my packaging between these retailers beyond adding an additional sticker for "Sold by Dispensary Name". This process is going to add a lot of extra burden to retailers and DOR with little benefit. I would

implore you to reconsider this process and determine a more optimized system for packaging approvals. A package should only need to be approved once by the state, no matter who sells it. I have a background in web development and feel technology can provide a great alternative to the costly process for packaging approval. Could a certificate or license be sent upon package approval which can be shared with wholesale customers and posted to a website for wholesale customers and inspectors to retrieve themselves? A system like this could allow retailers keep packaging certificates for all their salable products on file and give them to the inspector for review during inspections with no extra cost. It would also allow an inspector to easily search by product name and find a packaging certificate on a website if needed. Using a more simplified system like this will give the same benefit to DOR of ensuring packages meet standards and place more burden on retailers instead of DOR. Thanks for time. If you have any additional questions, please contact me.
===== Mike Zens Business Development & Marketing (262) 853-7411
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Sent via leg.mt.gov/committees/interim/eaic/public-comments-eaic/